UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC., Plaintiff, v. TREK BICYCLE CORPORATION, Defendant and Third-Party Plaintiff, v. GREG LEMOND, Third-Party Defendant.	Case No. 08-CV-1010 (RHK-JSM)

AFFIDAVIT OF CHARLES JASON SCHUMACHER

STATE OF WISCONSIN)
) SS.
JEFFERSON COUNTY)

Charles Jason Schumacher, being first duly sworn under oath, deposes and states as follows:

1. I am an adult resident of the State of Wisconsin and am the Technical and Customer Services Manager for Trek Bicycle Corporation. I am personally familiar with the electronic records and other correspondence discussed in this affidavit.

2. Like most businesses, Trek receives and transmits correspondence and information through a variety of email exchanges and web-based communication portals in addition to letter and telephone correspondence. During the course of its regular business operations, Trek receives information and correspondence from internal and external constituencies (such as employees, consumers, dealers, and other members of the

public) through email exchanges, web-based communication portals, letters and telephone.

3. I am familiar with and have reviewed the records of electronic communications, correspondence, and information received or obtained by Trek previously provided to the Court at Docket Entries #126, Attachments 10 – 19 (Exhibits 10-12 of Stippich Declaration in Supp. of Mem. in Supp. of Trek's Motion to Compel). These records were received, obtained, compiled, and/or maintained by Trek during the ordinary course of business by persons knowledgeable about the receipt of such communications through Trek's email exchanges, web-based communications portals, and mail systems. These documents are accurate and complete copies of the business records described in this affidavit.

Communications to Trek Website

4. As part of its regular business activity, Trek operates and maintains websites. Trek maintained websites with the addresses www.Trekbikes.com and www.Lemondbikes.com. Members of the public can communicate with Trek through its websites in a variety of ways. For example, Trek's websites contained links to "Feedback Forms" on which a member of the public could leave comments. The forms had blanks for a person's name, email address, subject matter and their comment. Comments submitted via the www.Trekbikes.com Feedback Form are recorded in the "To:" line of the emails as "Consumer, Trek." Comments submitted via the www.Lemondbikes.com Feedback Form are recorded in the "To:" line of the email as "Consumer, LeMond."

5. Trek also has other links on its websites by which members of the public can communicate with Trek or its employees, for example: job postings in which case the consumer comment would be received by Trek and recorded in the "To:" line of the email as "HR Staffing"; to purchase Trek products, in which case the consumer comment would be received by Trek and recorded in the "To:" line of the email as "ETrek Help." Trek also maintained email addresses that would be reflected in the "To:" line of the email as "Network Administrator."

6. In connection with the announcement of April 8, 2008, Trek also provided on its website the email address media@trekbikes.com by which members of the public could contact Trek. Comments submitted to that email address are recorded in the "To:" line of the email as "Mail, Media."

7. The submitted comments are recorded and maintained in Trek's computer system. Trek personnel regularly review submitted comments at or near the time of their submission.

8. The documents provided to the Court at Dkt. #126, in which the "To:" line of the email reflects the designation "Consumer, Trek," "Consumer, LeMond," "HR Staffing," "Network Administrator," "ETrek Help," or "Mail, Media," are accurate copies of printouts of comments received by Trek through the above described website technology.

9. TREK000168, attached as Exhibit A to this affidavit, is an accurate copy of a printout of an email received by Trek at "Consumer, Trek."

Emails to Trek Employees

10. As part of its regular business activity, Trek provides and maintains email accounts for its employees. Each employee is assigned an email address comprised of some version of the employee's name followed by "@trekbikes.com." When that person receives an email to their Trek-assigned email address, the "To:" line of the email records the employee's name. The "From:" line records the name and/or email address of the sender. The "Sent:" line records the date the email was sent and the "Subject:" line records the description entered by the sender. The body of the email contains the message.

11. The following documents provided to the Court at Dkt. #126, are accurate copies of printouts of emails received by Trek employees in the ordinary course of Trek's business: TREK000931-33, TREK000393, TREK000383, TREK000385, TREK000429, TREK000477, TREK000536, TREK000500-01, TREK009656-57, TREK009889, TREK009839, TREK009825, TREK009877, TREK009917, TREK009914, TREK009845, TREK009849, TREK009848, TREK009815, TREK009814 and TREK009713. I have reviewed an unredacted version of the emails at TREK009845, TREK009849 and TREK009713 and confirm that they were received by a Trek employee.

12. I am familiar with Trek's bicycle dealers through Trek's records and employees. The following documents provided to the Court at Dkt. #126, are accurate copies of printouts of emails received by Trek employees in the ordinary course of Trek's business from a Trek dealer or that references a comment from a Trek dealer in the email: TREK000621 (Ginger Twigg, Bob's Bicycle Shop); TREK000602 (Whit Snell, Bike

World); TREK000603 (Jake Skully, PC Bike); TREK000604 (Mitch Mode, Mel's Trading Post); TREK000601 (Bike World); TREK000605 (Lake Mary; David's World Cycles); TREK000608 (Brian Merkel, Nor Door); TREK000607 (Stadium Bike); TREK000606 (Mary, Zion Cyclery); TREK000611 (Chris Zane, Zane's Cycles); TREK000610 (Gil McCormick, Wheat Ridge Cyclery); TREK000622 (Chris Koos, Vitesse Cycle Shop); TREK000614 (Val Tavanese, Outspokin; Chain Wheel); TREK000612 (Outfitters); TREK000616-17 (Dave Eenigenburg, The Bike Pros); TREK000627 (Sunshine; Outspokin); TREK000618 (Jerry Kegel, Wheel & Sprocket); TREK000619 (Lisa, Bikes Plus); TREK000620 (Charlie, The Bike Line, Inc.); TREK000624 (Chris Koos, Vitesse Cycle Shop); TREK010126 (Jeff Selzer, Palo Alto Bicycles); TREK000566 (Antonio Russo, American Bicycle Company); TREK000629-30 (Tim Brick, Brick Wheels); TREK000631 (Marty, Bicycle Sport Shop); TREK009707 (Alan Purnell, Pasadena Cyclery); TREK000633 (Dan Thornton, Free-Flite Bicycles); TREK000636-37 (Dan Thornton, Free-Flite Bicycles); TREK009610 (Dave Hanson, Jax Bicycle Center); TREK009712 (Tommy Faulk, Jax Bicycle Center); TREK011479-80 (Kevin Ishaug, Freewheel Bike); TREK006590 (Kevin Ishaug, Freewheel Bike); TREK009895 (Benjamin Gruber, Trek Bicycle Store of Mount Pleasant); TREK011951 sent to John Burke through "Mail, Media" (Kathy Boling, Koehlinger Cycling and Fitness); TREK009913 (Ben Witt, Milltown Cycles); TREK0009891 (Dan Thornton, Free-Flite Bicycles); TREK009468 (Ray Posey, Ray's Cycle, Inc.); TREK009900 (Ben Lassanske, Jax Bicycle Center); TREK009466-67 (David, Scott's Bicycle Centre); TREK009840 (Tom Henry, Landry's Bicycles); TREK009887 (Lee Swenson, The Route-Hastings); TREK009912 (Charlie McCorkell, Bicycle Habitat); TREK009842-43

(Chuck Dix, Eddy's Bike Shop); TREK009844 (Edward Lorenz, Sport Tech); TREK009850 (Whit Snell, Bike World); TREK009841 (Tom and Mary DeCaro, Albuquerque Bicycle Center); TREK009846-47 (Tim Ingram, Momentum Bikes); TREK009826-27 (Natee, Distributor in Thailand); and TREK011973-74 (Jim Twigg, Revolutions Cyclery). TREK009845 is also from a Trek dealer, Anthony Laskaris, The Cycle Loft. TREK009893 is from a Trek manufacturer.

Emails Sent to Greg LeMond

13. The following documents provided to the Court at Dkt. #126, are accurate copies of printouts of emails received by Trek employees from Greg LeMond: TREK009602-06, TREK009599-600, TREK009597-98. I have reviewed unredacted versions of these documents and the forwarding emails of Greg LeMond or his representatives to Trek employees and confirm that they were received by Trek employees.

Letters

14. The following documents provided to the Court at Dkt. #126, are accurate copies of letters received by Trek or Trek employees in the ordinary course of Trek's business: TREK000403, TREK000417, TREK000469-70, TREK000546-47, TREK000508-09, TREK009594, TREK009593.

Blog Posts

15. Trek and its employees have access to information on the Internet including blog posts. The following documents provided to the Court at Dkt. #126, are accurate copies of blog posts obtained by one or more Trek employee in the normal course of Trek's business: TREK000481-82, TREK000486-89, TREK009849, and

TREK013842-47. TREK000609 is an accurate copy of an email between Trek employees containing an Internet posting.

s/ Charles Jason Schumacher
Charles Jason Schumacher

Subscribed and sworn to before me
this 5th day of August 2009.

s/ Lisa Smith
Notary Public, State of Wisconsin
My Commission expires 10/17/2010